THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 19181 of 2007

Date:10-09-2007

Between:

S.Danamma ..

PETITIONER

AND

The District Collector, Nellore and two others

...RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the inaction of the 3rd respondent in entering petitioner's name in ROR in relation to an extent of Ac.5.00 in Sy.No.63/1 in Athivaram village, Ozili madnal, Nellore District, as illegal and arbitrary.

It is the case of the petitioner that her husband was allotted land of an extent of Ac.5.00 guntas in Sy.No.63/1 in Athivaram village, Ozili madnal, Nellore District in the year 1961 and his name was mutated in the revenue records by issuing pattdar pass book and title deed in the year 1996. Thereafter, the husband of the petitioner died in the year 2005. It is stated that the sons of the petitioner and herself are residing at Chennai and after the death of the husband of the petitioner, the petitioner made an application in Form No.VI-A of A.P. Rights in land and Pattadar Pass Books Act, 1971 on 10.07.2005 before the 3rd respondent for issuance of the pattadar pass book and entering her name in the revenue records. It is stated that the petitioner came to know that the 3rd respondent has allotted the said land in favour of Mallapu Laxmikanthamma and immediately, the sons of the petitioner also made an application to the 3rd respondent on 16.05.2007 and 07.06.2007. But, no action has been taken. It is stated that the sons of the petitioner again made a representation before the 2nd respondent on 11.06.2007 who is the appellate authority for taking necessary action, but no action has been taken.

The perusal of the material papers goes to show that the sons of the petitioners alone made a representation, dated 04.08.2007. But, there is no reference about the alleged application said to have been filed by the petitioner on 10.07.2005. Therefore, had the application

has been filed by the petitioner, this writ petition filed by the petitioner to direct the respondents to consider and dispose of the application would have been maintained.

Accordingly, the writ petition is dismissed with liberty to make fresh application or pursue the earlier application said to have been filed or avail the alternative remedy available in accordance with law. No costs.

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V.ESWARAIAH, J.

Date:10.09.2007
CCM